

CHP3 00012 05/09/11 10.00.19
CHP3 00003 05/09/11 09.50.55

N 431 ALL COMMANDS
05-09-11 0950 HOURS

TO: ALL COMMANDS

RE: ACTION REQUIRED

SUBJECT: NEW DEPARTMENTAL CONFLICT OF INTEREST CODE

THE DEPARTMENT IS IN THE PROCESS OF FINALIZING A NEW CONFLICT OF INTEREST CODE. A "NOTICE OF INTENT TO AMEND" WAS FILED ON APRIL 26, 2011, WITH THE OFFICE OF ADMINISTRATIVE LAW, AND DISSEMINATION OF THE NOTICE TO ALL DEPARTMENT PERSONNEL IS REQUIRED. THE FILED NOTICE READS AS FOLLOWS.

NOTICE OF INTENTION TO AMEND
THE CONFLICT OF INTEREST CODE
OF THE CALIFORNIA HIGHWAY PATROL
(CHP-R-09-16)

NOTICE IS HEREBY GIVEN THAT PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 87306 OF THE GOVERNMENT CODE, THE CALIFORNIA HIGHWAY PATROL (THE DEPARTMENT) PROPOSES AMENDMENT TO ITS CONFLICT OF INTEREST CODE. THE PURPOSE OF THESE AMENDMENTS IS TO IMPLEMENT THE REQUIREMENTS OF SECTIONS 87300, 87301, 87302, AND SECTION 87306 OF THE GOVERNMENT CODE.

THE DEPARTMENT PROPOSES TO AMEND ITS CONFLICT OF INTEREST CODE TO INCLUDE EMPLOYEE POSITIONS THAT INVOLVE THE MAKING OR PARTICIPATION IN THE MAKING, AND TO EXCLUDE EMPLOYEE POSITIONS THAT NO LONGER MAKE OR PARTICIPATE IN THE MAKING, OF DECISIONS THAT MAY FORESEEABLY HAVE A MATERIAL EFFECT ON ANY FINANCIAL INTEREST, AS SET FORTH IN SUBDIVISION (A) OF SECTION 87302 OF THE GOVERNMENT CODE.

THE APPENDIX TO SECTION 1800, TITLE 13, CALIFORNIA CODE OF REGULATIONS, LISTS THE POSITIONS SUBJECT TO REPORTING

REQUIREMENTS OF THE DEPARTMENT'S CONFLICT OF INTEREST CODE AND DEFINES THE DISCLOSURE CATEGORIES. THIS AMENDMENT REPLACES THE APPENDIX WITH APPENDIX A AND APPENDIX B AS FOLLOWS:

- APPENDIX A LISTS DESIGNATED POSITIONS, FORMATTED TO COINCIDE WITH THE DEPARTMENT'S ORGANIZATION CHART; IN MOST CASES, SPECIFIC POSITION TITLES ARE USED IN EACH RESPECTIVE OFFICE/DIVISION. DISCLOSURE CATEGORIES HAVE BEEN ASSIGNED IN ACCORDANCE WITH APPENDIX B FOR EACH OF THE DESIGNATED POSITIONS BASED ON THE LEVEL OF DECISION-MAKING AUTHORITY OR PARTICIPATION IN DECISION-MAKING.

- APPENDIX B LISTS THE DISCLOSURE CATEGORIES DEVELOPED USING THE "MODEL" APPROVED BY THE FAIR POLITICAL PRACTICES COMMISSION.

COPIES OF THE AMENDED CODE ARE AVAILABLE AND MAY BE REQUESTED FROM THE CONTACT PERSON SET FORTH BELOW.

CHP HDQTRS/OFFICE OF THE COMMISSIONER/003/A4900/MG

CHP3 00013 05/09/11 10.00.58

CHP3 00004 05/09/11 09.51.50

N 432 ALL COMMANDS
05-09-11 0951 HOURS

TO: ALL COMMANDS

RE: ACTION REQUIRED

SUBJECT: NEW DEPARTMENTAL CONFLICT OF INTEREST CODE

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ANY INTERESTED PERSON MAY SUBMIT WRITTEN STATEMENTS, ARGUMENTS, OR COMMENTS RELATING TO THE PROPOSED AMENDMENTS BY SUBMITTING THEM IN WRITING NO LATER THAN JUNE 20, 2011, OR AT THE CONCLUSION OF THE PUBLIC HEARING, IF REQUESTED, WHICHEVER COMES LATER, TO THE CONTACT PERSON SET FORTH BELOW.

AT THIS TIME, NO PUBLIC HEARING HAS BEEN SCHEDULED CONCERNING THE PROPOSED AMENDMENTS. IF ANY INTERESTED

PERSON OR THE PERSON'S REPRESENTATIVE REQUESTS A PUBLIC HEARING, HE OR SHE MUST DO SO NO LATER THAN 15 DAYS PRIOR TO THE CLOSE OF THE WRITTEN COMMENT PERIOD BY CONTACTING THE CONTACT PERSON SET FORTH BELOW. IF A PUBLIC HEARING IS REQUESTED, IT WILL BE HELD PRIOR TO THE CLOSE OF THE WRITTEN COMMENT PERIOD, OR AS SOON THEREAFTER AS IS PRACTICABLE, AT 601 N. 7TH STREET IN SACRAMENTO, CA 95811.

THE DEPARTMENT HAS PREPARED A WRITTEN EXPLANATION OF THE REASONS FOR THE PROPOSED AMENDMENTS (INITIAL STATEMENT OF REASONS) AND HAS MADE AVAILABLE THE INFORMATION ON WHICH THE AMENDMENTS ARE BASED. COPIES OF THE PROPOSED AMENDMENTS, THE INITIAL STATEMENTS OF REASONS, AND THE INFORMATION ON WHICH THE AMENDMENTS ARE BASED MAY BE OBTAINED BY CONTACTING THE CONTACT PERSON SET FORTH BELOW.

THE DEPARTMENT HAS DETERMINED THAT THE PROPOSED AMENDMENTS:

- IMPOSE NO MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS.
- IMPOSE NO COSTS OR SAVINGS ON ANY STATE AGENCY.
- IMPOSE NO COSTS ON ANY LOCAL AGENCY OR SCHOOL DISTRICT THAT ARE REQUIRED TO BE REIMBURSED UNDER PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF TITLE 2 OF THE GOVERNMENT CODE.
- WILL NOT RESULT IN ANY NONDISCRETIONARY COSTS OR SAVINGS TO LOCAL AGENCIES.
- WILL NOT RESULT IN ANY COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE.
- WILL NOT HAVE ANY POTENTIAL COST IMPACT ON PRIVATE PERSONS, BUSINESSES OR SMALL BUSINESSES.

IN MAKING THESE PROPOSED AMENDMENTS, THE DEPARTMENT MUST DETERMINE THAT NO ALTERNATIVE IT CONSIDERED WOULD BE MORE EFFECTIVE IN CARRYING OUT THE PURPOSE FOR WHICH THE AMENDMENTS ARE PROPOSED OR WOULD BE AS EFFECTIVE AS AND LESS BURDENSOME TO AFFECTED PERSONS THAN THE PROPOSED AMENDMENTS.

COMMENTS OR QUESTIONS ABOUT THE PROPOSED NEW CODE SHOULD BE SUBMITTED BEFORE JUNE 20, 2011, TO JONATHAN ROTHMAN, ADMINISTRATIVE ADVISOR TO EXECUTIVE MANAGEMENT, AT (916) 843-3050 OR EMAIL AT JROTHMAN@CHP.CA.GOV.

CHP HDQTRS/OFFICE OF THE COMMISSIONER/003/A4900/MG